



Dan Skopec
Acting Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8807

May 26, 2006

Mr. Paul B. Tavares, Deputy Director
County of Riverside Department of Environmental Health
4065 County Circle Drive
Riverside, CA 92513-7468

Dear Mr. Tavares:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and the State Water Resources Control Board conducted a program evaluation of the County of Riverside Department of Environmental Health's Certified Unified Program Agency (CUPA) on April 26th and 27th, 2006. The evaluation consisted of a review of program elements, an in-office program review and a field inspection. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was reviewed with your agency's program management.

The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Two additional evaluation documents completed during the evaluation are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Evaluation Summary of Findings and I find that County of Riverside Department of Environmental Health's program performance is satisfactory with some improvement needed. To complete the evaluation process, please provide quarterly reports to Cal/EPA of your progress toward correcting the identified deficiencies. Submit your quarterly reports to Robbie Morris by the 15th of the month following each quarter. The first report of progress is due on July 17, 2006.

Cal/EPA also noted during this evaluation that the County of Riverside Department of Environmental Health has worked to bring about a number of local program innovations, including an exemplary and comprehensive Training Program that addresses training for new CUPA staff, on-going training for existing staff, and technical assistance and training for the regulated community and the public. In addition, the CUPA's embracement of environmental program enforcement as a priority through a unique operational agreement with the District Attorney's Office to create three new DA Investigator positions for investigating and assisting with the prosecution of environmental crimes in Riverside County. The establishment of a unique organizational structure and employed innovative implementation philosophies to

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ensure environmental services are easily accessible and consistently applied throughout the County. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program website to help foster a sharing of such ideas statewide.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures

cc: Ms. Martha Bahia, Supervising Hazardous Materials Specialists (Sent Via Email)
County of Riverside Department of Environmental Health
Hazardous Materials Management Division
4065 County Circle Drive
Riverside, CA 92513-7468

Mr. John Paine (Sent Via Email)
California Environmental Protection Agency
1001 I Street
Sacramento, California 95812

Ms. Loretta Sylve (Sent Via Email)
California Environmental Protection Agency
1001 I Street, 4th Floor
Sacramento, CA 95814

Mr. Terry Snyder (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Robert Shingai
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cc: Mr. Raymond Stevenson (Sent Via Email)
San Benito County Health Department
1111 San Felipe Road, Suite 101
Hollister, California 95023

Mr. John Paine (Sent Via Email)
California Environmental Protection Agency
1001 I Street
Sacramento, California 95812

Mr. Sean Farrow (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Fred Mehr (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Mr. James Giannopoulos (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Mark Pear (Sent Via Email)
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Ms. Vickie Sakamoto (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Moustafa Abou-Taleb (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047



Dan Skopec
Acting Secretary

STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



Arnold
Schwarzenegger
Governor

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Riverside County Hazardous Materials Division

Evaluation Date: April 26, 2006 and April 27, 2006

EVALUATION TEAM

Cal/EPA: John Paine
SWRCB: Terry Snyder
OES: Fred Mehr

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to John Paine at (916) 327-5092.

		<u>Preliminary Corrective</u>	
	<u>Deficiency</u>	<u>Action</u>	<u>Timeframe</u>
1	The instructions provided for the CUPA's California Annotated Map (boilerplate) is missing a required element. The instructions do not address "adjacent property use".	The CUPA will update their "Boilerplate" California Annotated Map to include the following element in the Facility Site Map instructions: "adjacent property use".	June 30, 2006
2	The UST facility files reviewed either lacked plot plans, or the plot plans did not contain all the required elements. The plot plans were missing the location (tank, ATG, sump, UDC, monitoring panel, etc) of where the monitoring is performed.	The CUPA will amend the "boilerplate" UST Plot Plan to include the location of where the monitoring is performed.	April 30, 2007
3	The CUPA has not met the mandated inspection frequency for UST facility compliance inspections. This deficiency was also identified during the CUPA's last evaluation in 2003. However, the CUPA inspection frequencies have increased over the last three years to 84%. Also the CUPA is located in a rapidly expanding county and has received and processed a large number of plan checks.	The CUPA has hired 2 new staff to specifically process only plan checks, which should reduce the amount of time spent on plan checks by UST inspectors. In addition, the CUPA has hired 6 new inspectors in the past two years and these inspectors are now becoming productive and the inspection percentage should continue increasing.	April 30, 2007

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4	<p>The CUPA is not fully tracking and reporting their enforcement actions on their Annual Enforcement Summary Report #4. The enforcement action data reported by the CUPA. Data provided on the report the Report reflects a total of 14 informal and 32 formal enforcement actions taken by the CUPA in FY 04/05 for all Unified Program Elements. When in fact, their inspection reports actually reflect over 1200 informal actions that were taken. According to data in the “FY 04/05 Environmental Health Department’s Activity Report,” the CUPA initiated closer to 50 formal enforcement actions in FY 04/05. Of which, approximately 35 cases were referred to the District Attorney, a case was referred to Cal/EPA, a case was also referred to USEPA, and the CUPA initiated over 15 Administrative Enforcement Actions themselves. A review of the information submitted to the CUPA by the PAs also indicates that the PAs are not tracking and reporting their enforcement actions to the CUPA. For the most part, the information submitted by the PAs indicates that no enforcement actions have been initiated against those regulated businesses where violations have been discovered.</p>	<p>The CUPA will begin to collect, track, maintain, and report all their enforcement actions on the Annual Enforcement Summary Report #4.</p>	<p>September 30, 2006</p>
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CUPA Representative Martha Bahia Original Signed
(Print Name) (Signature)

Evaluation Team Leader John Paine Original Signed
(Print Name) (Signature)

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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA has not been documenting in its inspection reports that consent has been granted by the owner/operator to enter the place of business to conduct an underground storage tank inspection.

Recommendation: The SWRCB strongly encourages the agency to develop on their inspection report information fields to document that consent has been granted by the owner/operator on the form. If the owner/operator refuses to sign the Notice of Violation then documentation has not been obtained. Documentation of consent only serves to strengthen any potential enforcement case defeating any potential challenge that the 4th amendment may have been abridged.

2. **Observation:** At the time of the UST facility inspection, the CUPA staff does not usually ask the service technician to test the UST overfill spill bucket drain valve.

Recommendation: The SWRCB strongly encourages the agency to add to the overfill spill bucket testing requirement that the drain valve be checked or other means are available at the facility to drain the spill container.

3. **Observation:** CUPA files reviewed from the Indio office are unorganized, not in chronological order, and contain many duplicates copies of documents.

Recommendation: The SWRCB strongly encourages the agency to advise the Indio office on file organization and maintenance. A file review checklist would assist them in organizing and maintaining the files. It was explained that the Indio office lost its long time file technician last year due to a transfer.

4. **Observation:** The CUPA Area Plan has all the required elements but finding Emergency Response Contractor Access was difficult.

Recommendation: The CUPA should add to 2723d some language to this effect; Access to State Permitted Hazardous Waste Facilities and Contractors.

5. **Observation:** The CUPA Hazardous Materials Business Emergency Plan Emergency Procedures has an incorrect OES phone number.

Recommendation: The CUPA should use the new number of (916) 845-8911

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- 6. Observation:** Although the CUPA's Self-Audit Report includes all the required elements, a more descriptive narrative that covers all key components of the Unified Program would provide the reader with a better understanding of their activities during the reporting year. Additionally, a more descriptive summary of the CUPA's performance evaluations of the three PAs would clearly demonstrate the CUPA's oversight activities of their PAs. The FY 04/05 Self-Audit report includes a brief sentence or two for each **PA** that addresses their ability to achieve their inspection goals. The CUPA has developed a draft policy for not only evaluating the PAs performance but also the evaluation of their other field offices, including oversight inspections and file review.

Recommendation: Incorporate and summarize the evaluation of the three Participating Agencies, the City of Corona, the City of Riverside, and the City of Banning in sufficient detail that clearly depicts their performance and the CUPA's completion of the annual evaluation of their performance. Utilize data from the County Activity Report to further depict your activities during the reporting year.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has established a unique organizational structure and employed innovative implementation philosophies to ensure environmental services are easily accessible and consistently applied throughout the County. This is essential in a jurisdiction that is the fourth largest in California that stretching nearly 200 miles across and comprising over 7,200 sq. miles of fertile river valleys, low deserts, mountains, foothills and rolling plains. The majority of CUPA staff has been assigned work stations at one of the three larger offices located in the Cities of Riverside, Hemet, or Indio. Two smaller satellite offices, only housing a couple of staff, have been established in the Cities of Corona and Murrieta. Consistent implementation and enforcement of the Unified Program exists at all CUPA district offices. Inspectors apply the same level of regulatory oversight and organizational philosophy from all locations. Consistency is maintained and assured by a management team, comprised of the Deputy Director, five Supervising Hazardous Materials Management Specialists and four senior Hazardous Materials Management Specialists that participate in the monthly staff meetings held in each of the inspection areas.

During the past couple of years a few key adjustments to the CUPA program in Riverside County has created positive and significant results, improving an already outstanding program. The daily on-call duty system for Hazmat ER has been sapping inspection and enforcement resources. Inspection staff were consistently falling behind due to the numerous and time consuming responsibilities related to emergency response duty. Therefore, CUPA management decided to reorganize their Emergency Response program to ensure that UP inspectors can focus on inspections and follow-up actions. Rather than all inspection staff on call and constantly pulled away from day-to-day inspection to response, 4 staff are permanently assigned to Daytime Emergency Response. In addition to their ER duties, they are assigned and responsible for the inspection and enforcement of the high risk facilities in the County, which is approximately 75 facilities each. All inspection staff maintains their Hazmat Specialist level of response capability and certification, just in case, but are no longer the first responders during daytime hours.

2. The CUPA has an exemplary and comprehensive Training Program, which address training for new CUPA staff and on-going training for existing staff. The program also encompasses technical assistance and training for the regulated community and the public. The key was the creation of a Training Coordinator position in the CUPA organization who would be dedicated to implement the program. Sande Pence has seized the challenge and excelled. In short order, Sande has developed an overarching training policy, program specific training manuals, and minimum training requirements for each job classification within the CUPA. The requirements include specific hours of training that are required to obtain the position and to maintain appropriate level of competency for that position. The Riverside CUPA's Training Program has evolved into, arguably, one of the best Unified Program Training Programs in the State. The CUPA has invested in a "training" specific data system to manage the program and maintain all the necessary data for all staff. The program includes training and core competencies that reach beyond what is mandated by law. Training is delivered in the traditional methods with the addition of an innovative approach to address the challenges of adult learning. New employees to the CUPA

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program are processed through a comprehensive 6-8 month mentoring program prior to performing inspections on their own, ensuring that all new staff are prepared and ready to represent the CUPA. Management of the staff training is easily accomplished by the CUPA management team through the review and analysis of staff training, via summary reports generated from the data system. Another key component of the Training Program is the establishment of three adhoc committees, a Hazardous Waste Generator Committee, Hazardous Materials Handler Committee, and an Underground Storage Tank Committee. The committees are comprised of CUPA staff and are responsible for: staying abreast of the continuing changes in the CUPA laws and regulations; attending and participate in southern California Technical Advisory Groups (TAG); updating forms, clarifying rules, implementing changes, answering questions and supporting inspection staff, and developing and delivering Annual CUPA training.

3. Over the past two years, the CUPA has fully embraced enforcement as a priority. In July 2003, the District Attorney and Environmental Health entered into a unique operational agreement to create three new DA Investigator positions, funded by Environmental Health, to investigate and assist with prosecution of environmental crimes in Riverside County. These positions were to be filled by three highly-trained and experienced Hazardous Materials Management Specialists from within the Environmental Health Department. These investigators are employees of the DA Office but work directly with the CUPA on environmental crimes. Since employing these investigators, the CUPA has been able to move from being solely reactive to proactive in their pursuit of environmental compliance. The investigators recently participated in and collaborated with DTSC in an investigation of suspected unauthorized waste hauler, which resulted in numerous civil and criminal actions. All three employees, formerly HMMS, graduated with honors from POST Academy. Since July 2003, the new unit has initiated over 100 cases and collected over \$3 million dollars in fines and penalties that have been distributed to the various agencies involved. As of today, approximately \$607,000.00 has been paid to Riverside County DEH-HMMD in fines, penalties and costs for staff time related to the environmental crimes unit. Other enforcement related notes include: Cross-Sworn by County Health Officer as Deputy Health Officers, Over 100 environmental cases since program implementation, Recognition by District Attorney and other Environmental Health Programs, and CCDEH Award for "Excellence in Environmental Health in 2005.

The CUPA has fully embraced and is utilizing the Administrative Enforcement Order process as a viable enforcement tool. Since 2001, the enforcement panel has completed over 200 AEOs addressing four of the UP Program Elements. To manage and allocate the revenues generated from AEOs and Environmental Crime Task Force cases, two enforcement revenue funds have been established: the AEO Fund and the Settlement Fund. These funds have provided revenue and expenditure accountability for all enforcement generated revenue. All expenditures are specified and typically limited to the program elements related to the enforcement actions (i.e., resources, equipment, education and training needs).

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4. The CUPA has done an outstanding job for CUPA education, Senior Hazardous Materials Management Specialist Sande Pence in education and training is an outstanding example of a well documented and organized program. In addition, Sande has shown great tenacity in broad-casting training opportunities to all trainers through out the state. Thank you.
5. During the last evaluation, the CUPA was not ensuring all farms complied with the business plan program. Since that evaluation, the CUPA has been regulating farms for compliance with the program.
6. CUPA inspector, Christine Parsons, is very knowledgeable about the UST program and did a thorough inspection of the Chevron Station UST facility on April 25, 2006. The inspector's experience was responsible for detecting a faulty shear valve, which was replaced the day of the inspection. Also, Christine required that the wastewater from the spill and vapor bucket testing was disposed of properly, clearly labeled, and secured in the hazardous waste storage area.
7. The CUPA has developed an excellent set of program binders that house each program's heart and soul. The information is assembled and highly organized and contains the ordinances, policies, procedures, inspection and permit forms with guidelines, enforcement language, fact sheets, compliance assistance information, and best management practices. Information and updated or new forms are added as needed.